



Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2664

PATENT
ATTORNEY DOCKET NO. : 041465-5086

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------|---|------------------------|
| In re Application of: |) | |
| |) | |
| Manabu NOHARA et al. |) | Confirmation No.: 2565 |
| |) | |
| Application No.: 09/658,877 |) | Group Art Unit: 2664 |
| |) | |
| Filed: September 8, 2000 |) | Examiner: Mew, Kevin D |
| |) | |
| For: COMMUNICATING APPARATUS |) | Mail Stop AF |
| AND COMMUNICATING METHOD |) | |

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, **Mail Stop AF**
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the
decision of the Examiner dated August 10, 2004, finally rejecting claims 1, 3-4 and 6.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of
37 C.F.R. § 1.136(a) apply.

- ☒ Applicants are requesting and paying for a three-month extension of time in the
concurrently filed Amendment Transmittal Form. Accordingly, Applicants
believe that no additional extension of time is required. However, this conditional
petition is being made to provide for the possibility that Applicants have
inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 450.00 | \$ 225.00 |
| <input type="checkbox"/> three months | \$ 1,020.00 | \$ 510.00 |
| <input type="checkbox"/> four months | \$ 1,590.00 | \$ 795.00 |

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee

- ☐ The fee in the amount of \$500.00 to cover the appeal fee is enclosed.
- ☒ A Notice of Appeal fee of \$500.00 is currently due and is being paid concurrently, as indicated in section 3 below.

3. Fee Payment

- ☒ The Notice of Appeal fee of \$500.00 is being paid by the authorization provided in the concurrently-filed Amendment Transmittal Form.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 9, 2005

By:



Paul A. Fournier

Reg. No. 41,023

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